

Docket No. 3553-4020US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Jay S. Walker et al.

Group Art Unit: 2166

Serial No : 09/507,509

Examiner: Sam Rimell

Filed : February 18, 2000

For : CONDITIONAL PURCHASE OFFER MANAGEMENT SYSTEM

Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE TO OFFICE ACTION

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In response to the action dated June 13, 2001, Applicants respectfully request reconsideration of the instant application in view of the following remarks.

Rejection Under 35 USC §103

Claims 98-111 and 138-147 were rejected under 35 USC §103 in view of Spallone '686 in view of Bezons '399. In this regard, the Office Action notes that Spallone discloses in which "processors (220, 230) receive conditional purchase offers from customers." Applicants respectfully submit that Spallone merely discloses an arrangement in which customer orders are processed on an automated order entry system. The orders disclosed in Spallone are simply not offers. As such, no customer offers are processed by the Spallone system. Bezons fails to cure the deficiencies of Spallone. Accordingly, Applicants respectfully submit that the claims of the instant application are clearly distinguishable from the cited references.

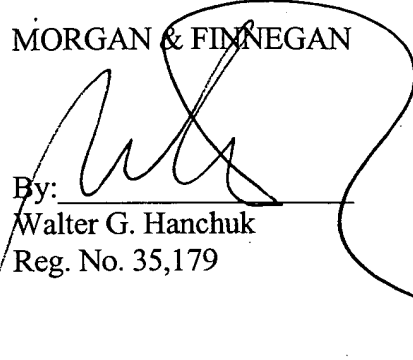
In the event that a telephone conference with Applicants' undersigned representative would facilitate examination in any way, the Examiner is invited to contact the undersigned at the number provided

Applicants submit that no additional fee and no additional petition for an extension of time are required for filing this Response. However, the Commissioner is hereby authorized to charge any fees which may be required to Deposit Account 13-4500, order no. 3553-4020US2. Any extension of time which may be required is hereby petitioned. A duplicate of this sheet is attached.

Respectfully submitted,

MORGAN & FINNEGAN

Dated: December 13, 2001

By: 
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